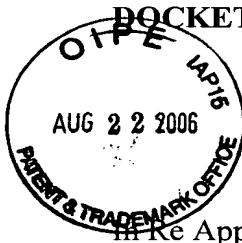


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DOCKET NO.: WARF-0235

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

John P. Helgeson, Sandra Austin-Phillips,  
 Sara Kristine Naess, Junqi Song, Jiming  
 Jiang, and James Matthew Bradeen

Confirmation No.: 3588

Application No.: 10/755,966

Group Art Unit: 1638

Filing Date: January 12, 2004

Examiner: M. A. Ibrahim

For: POTATO GENES FOR RESISTANCE TO LATE BLIGHT

EXPRESS MAIL LABEL NO: EV816195010US  
 DATE OF DEPOSIT: August 22, 2006

EV816195010US

MS Amendment  MS AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

## REPLY TRANSMITTAL LETTER

- A Preliminary Amendment.
- A Reply Responsive to the Office Action Dated March 24, 2006.
- A Reply Supplemental to the Paper filed
- A Substitute Specification (pages 1 - ) in clean form.
  - A substitute specification (pages 1 - ) with markings.
- An Abstract is enclosed.
- replacement sheets of drawings are enclosed comprising figures
- Request is hereby made to accept black and white photograph(s) in this case, as they are the only practicable medium for illustrating the claimed invention. One (1) set of black and white photographs comprising figure(s) is submitted herewith.
- Petition is hereby made to accept drawing(s)/photograph(s) in this case.

08/24/2006 WARF0235 00000028 10755966  
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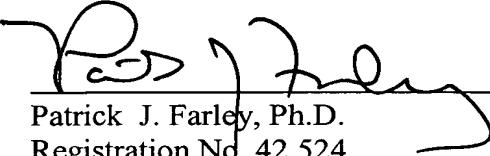
- Three (3) sets of color drawing(s)/photograph(s) and black and white photocopy that accurately depicts to the extent possible, the subject matter shown in the color drawing(s)/photograph(s), are enclosed, comprising figures
- An amendment to the first paragraph in that portion of the Brief Description of the Drawings is also enclosed herewith advising that the patent contains at least one drawing/photograph in color.
- A Certified Copy of each of the following applications: \_\_\_\_\_ is enclosed.
- An Assignee Power of Attorney is enclosed.
- Information Disclosure Statement.
  - Attached Form 1449.
  - A copy of each reference as listed on the attached Form PTO-1449 is enclosed herewith.
- A Terminal Disclaimer is attached.
- Appendices as follows:
- Other
- No Additional Fee is Due.**
- Applicant(s) has previously claimed small entity status under 37 CFR § 1.27.
- Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR § 1.27 as \_\_\_\_\_.
- This application is no longer entitled to small entity status. It is requested that this be noted in the files of the U.S. Patent and Trademark Office.

	REMAINING AFTER AMENDMENT	HIGHEST PAID FOR	EXTRA	SMALL ENTITY		NOT SMALL ENTITY	
				RATE	Fee	Rate	Fee
TOTAL CLAIMS	65	(20 MINIMUM) 65	0	\$25 EACH	\$	\$50 EACH	\$0
INDEP. CLAIMS	13	(3 MINIMUM) 13	0	\$100 EACH	\$	\$200 EACH	\$0
FIRST PRESENTATION OF MULTIPLE DEPENDENT				\$180	\$	\$360	\$
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME				\$60	\$	\$120	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME				\$225	\$	\$450	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME				\$510	\$	\$1020	\$
<input checked="" type="checkbox"/> FOUR MONTH EXTENSION OF TIME				\$795	\$	\$1590	\$1,590.00
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME				\$1080	\$	\$2160	\$
<input type="checkbox"/> LESS ANY EXTENSION FEE ALREADY PAID				minus	(\$ )	minus	(\$ )
<input type="checkbox"/> TERMINAL DISCLAIMER				\$65	\$	\$130	\$
<input type="checkbox"/> OTHER FEE OR SURCHARGE AS FOLLOWS:							
TOTAL FEE DUE				\$			\$1,590.00

- A check in the amount of **\$1,590.00** is attached. Please charge any deficiency or credit any overpayment to Deposit Account 23-3050.
- Please charge Deposit Account No. 23-3050 in the amount of **.00**. This sheet is attached in duplicate.
- The Commissioner is hereby authorized to charge any deficiency or credit any overpayment of the fees associated with this communication to Deposit Account No. 23-3050.
- Petition is hereby made under 37 CFR § 1.136(a) (fees: 37 CFR § 1.17(a)(1)-(4)) to extend the time for response to the Office Action of March 24, 2006 to and through August 24, 2006 comprising an extension of the shortened statutory period of four (4) month(s).

The Commissioner is hereby requested to grant an extension of time for the appropriate length of time, should one be necessary, in connection with this filing or any future filing submitted to the U.S. Patent and Trademark Office in the above-identified application during the pendency of this application. The Commissioner is further authorized to charge any fees related to any such extension of time to Deposit Account 23-3050. This sheet is provided in duplicate.

Date: August 22, 2006



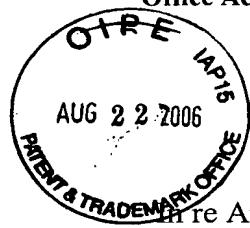
Patrick J. Farley, Ph.D.  
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DOCKET NO.: WARF-0235  
Application No.: 10/755,966  
Office Action Dated: March 24, 2006

PATENT



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In re Application of:

**John P. Helgeson, Sandra Austin-Phillips, Confirmation No.: 3588**  
**Sara Kristine Naess, Junqi Song, Jiming**  
**Jiang, and James Matthew Bradeen**

Application No.: 10/755,966 Group Art Unit: 1638

Filing Date: January 12, 2004 Examiner: M.A. Ibrahim

For: **Potato Genes for Resistance to Late Blight**

EXPRESS MAIL LABEL NO: EV816195010US  
DATE OF DEPOSIT: August 22, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY PURSUANT TO 37 CFR § 1.111**

In response to the Official Action dated **March 24, 2006**, reconsideration is respectfully requested in view of the amendments and/or remarks as indicated below:

- Amendments to the Specification** begin on page \_\_\_\_\_ of this paper.
- Amendments to the Claims** are reflected in the listing of the claims which begins on page 2 of this paper.
- Amendments to the Drawings** begin on page \_\_\_\_\_ of this paper and include an attached replacement sheet.
- Remarks** begin on page 9 of this paper.